

# Hawaiian Gazette.

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HONOLULU, H. I., FRIDAY, OCTOBER 25, 1902. SEMI-WEEKLY.

WHOLE No. 2537.

## ALL THREE ARE HELD

### Assailants of Mon War Have a Hearing.

The three Chinese who are alleged to have assaulted Ng Mon War, the Chinese lawyer, and late Home Rule candidate for the Legislature, were yesterday committed to the circuit court by Judge Lindsay on a charge of assault, with a deadly weapon. Judge Whiting acted as special prosecutor while E. A. Douthitt appeared for the three defendants.

The war of the tongue was left entirely out of the proceedings before Lindsay, although it may appear in the trial in circuit court. Mon War freely voiced his sentiment against the "highlanders" and told an Advertiser reporter that if the Chinese were not stopped at the outset, Honolulu might have to prepare for a highlander war such as had disturbed San Francisco for years.

The evidence of the assault was convincing and uncontradicted. There were a number of witnesses who testified that they had seen the assault upon the Chinese lawyer, and also that it was unprovoked. Mon War positively identified the men who had "assaulted" him and the identification was made complete by J. K. Brown, a native teamster.

Brown testified that all three of the Chinese defendants, Lau Chu, Lau Pang and Lau Sing had participated in the assault. He saw a crowd of several hundred Chinese surrounding Mon War and his assailants and tried to rescue the Chinese. Mon War was on his back at that time, and Lau Chu was kneeling upon his chest pounding his face with his fists. The other two Chinese were also pounding away at the luckless Mon War. Lau Chu had something in his hand which the witness thought was a pair of brass knuckles. Two of the Chinese ran but he caught and held Chu until the policeman. He was positive that the three men who assaulted Mon War were the same.

No argument was offered and Judge Lindsay held that there was sufficient evidence to warrant their commitment for assault with a deadly weapon. The bail of Lau Chu was increased from \$250 to \$500, while the other two defendants were allowed their liberty upon the old bond of \$250. Douthitt raised the question of the right of the court to commit without a written complaint, but afterwards withdrew his objection.

## A NEW INSPECTOR OF IMMIGRATION

F. M. Bechtel of the Immigration Station yesterday received notice of the appointment of an assistant for the Chinese department. The new man is George R. Cullen who has been doing executive work in the Bureau of Immigration at Washington for three years past. He was originally an Illinois newspaper man. Cullen will take rank as immigrant inspector. The appointment is made necessary by the increased work of the bureau, due to the closer attention paid to Chinese immigration since the Department of Labor took charge. It is possible that Cullen may arrive today on the Alameda.

## DEPORTED AS A CONTRACT LABOR

An alleged Japanese contract laborer was deported on the Nippon Maru yesterday. With him were two other Japanese and one Chinese, who were sent back by the immigration officials. One of the Japs had beri-beri and the other had trachoma. The Chinese failed to establish his right to a landing in Hawaii and his deportation was ordered.

The Japanese who was rejected as an alien contract laborer, was a hard case. He told the inspectors that he had come here to work for another man, but that was all that could be extracted from him in the way of information. He told so many contradictory stories that it was impossible to learn anything of a certainty and his deportation was also decided upon.

Coal for Naval Station.

The French bark General de B... arrived yesterday morning from... with 3,000 tons of best Doree steam coal for the naval station. She will begin discharging tomorrow morning. The General de B... had a rough weather in rounding the Horn and lost several sails, but otherwise was not damaged.

## FOREST LINE IN KOOLAU

### Incident of Visit of Executive Party.

Governor Dole and Superintendent of Public Works Cooper, while in the northern part of this island inspecting the Boys' Industrial school, took the opportunity of visiting the lands of Paumotu and Popuka, to establish the forest line. This they did between the 800 and 900 foot elevation, parallels. They found the forest badly beaten back by cattle. There are no running streams in the section.

The Governor was well pleased with the beginning that had been made at the Industrial School. Both he and Superintendent of Education Atkinson addressed the boys, who went through military evolutions before them. Governor Dole spoke words of encouragement and stimulation to the lads, telling them of a useful and honorable career they could make by striving. His advice was illustrated with examples of boys who had risen in life from conditions quite as unfavorable as their own before they entered the institution.

Superintendent Cooper thinks there is nothing in the law to prevent the signing of a government contract to an alien. What is forbidden is the employment of aliens as "laborers and mechanics" on government contracts. The contract for the new jail and its surrounding fence has not yet been awarded.

Bids were opened yesterday, without an award being made, for the construction of a new government nursery building. The following follows:

A. Harrison Mill Co.	\$4,400
Enterprise Mill	\$4,450
H. S. Berthelmann & Co.	\$5,254
MacDonald & Langston	\$4,545
E. Detries	\$4,284
J. Jorgensen	\$4,640

## STIR AND SURMISE ABOUT GRAND JURY

There was stir of a kind to make surmise rife in the precincts of the Federal grand jury room yesterday. This appearance under subpoena before that body of Attorney General Andrews, High Sheriff Brown and Deputy Sheriff Chillingworth, officials of Territorial jurisdiction, indicated at least that the knowledge of underground dealings in Honolulu of which the local police might naturally be assumed to be somewhat cognizant was being tapped by the probe of Federal law.

It is presumed outside, as a matter of course, that the Federal grand jury are still developing the mines of lawless diabolism lately discovered as permeating the Japanese colony. With those already presented the indictments for the kindred crimes of immoral importation of human beings, peonage and conspiracy to defeat prosecutions will be numbered by dozens if not scores before the investigation has abated.

Respectability and fearlessness are the obvious characteristics of the Federal grand jury panel for the present term. That it is already proving a terror to evildoers is what might have been expected.

Judge Estes being still ailing yesterday deputized Marshal Hendry to proclaim the United States District Court adjourned until Monday.

When the grand jury came out for recess yesterday, one of the jurors stated that the end of their labors was far from sight. "There is lots doing," was his assenting response to a question.

## INSURANCE BUREAU QUESTIONS RAISED

George E. Smithies, deputy commissioner of insurance, will, on Monday next, be in a position to give answers to insurance men upon several questions that have been raised. He has been furnished with several opinions from the Attorney General's department.

One of the questions was as to whether every individual solicitor of insurance should pay the license fee or is it enough for each company to pay one to take out a license. The opinion of the Territorial law officers is that every solicitor must procure a license, paying the two dollar fee therefor.

## THE WHALEN IS STRANDED AT MIDWAY

### Cable Station Supply Schooner Driven Ashore Before Dawn Yesterday.

The schooner Julia E. Whalen was ashore at Midway Island all day yesterday. All hands were saved, but up to last night no access from shore to ship could be obtained.

This news was received at the office of the Pacific Commercial Cable Company yesterday evening.

The Julia E. Whalen was beating about, trying to find an opening to the lagoon when at 3 o'clock yesterday morning she was driven upon the reef. All of the vessel's company reached the land in safety.

It was hoped that the stock of provisions and some if not all of the rest of the Whalen's cargo might be rescued. There was even hope that the vessel itself might be worked off the reef if the weather soon moderated.

Last night there was a slight abatement of the gale which had prevailed for three days. Hence the hopes for saving the cargo and perhaps the vessel.

The message received at the Cable office stated that, had the Whalen waited half an hour longer for daybreak before attempting to make the passage, she could have got inside in safety.

## REPUBLICANS AT WAIALAE

Away out at Waialae, beyond Paul Isenberg's place, the Republicans held a well attended meeting last evening. Geo. Macdonald, who is a well known resident and old timer of Waialae, presided. Mr. Bona opened the meeting with prayer.

The first speaker was R. W. Aylett who poured some hot shot into the Home Rulers and told of how the Republicans passed the County Act. The speaker then explained to the voters the workings of the Act, and also the fitness of the Republican nominees to fill the prospective offices.

Mr. Hailoa, an ex-Home Ruler, then addressed the audience and made quite a hit.

Sam Kaloe was then called upon and addressed the audience in an eloquent Hawaiian speech.

Henry C. Birbe spoke next, telling the difference between the Republican and Democratic parties on the mainland, and also explained to the voters present the workings of the County and Torrens Land Acts. By this time High Sheriff Brown and Jack Lucas arrived, both being given a hearty reception. Mr. Lucas spoke in his usual humorous style and had the audience with him from the start.

A. M. Brown who spoke next was given three hearty cheers. Judge Lindsay made his maiden political speech and it was one of the best delivered during the campaign. J. W. Pratt also spoke, as did W. R. Rawlins, Isaac Sherwood and others.

On the way home the bus that was to carry the candidates from the meeting to the cars got stuck in the mud and some of the heavy weights had to walk part of the way.

### Distilling Ship Iris is Coming.

Word was received at the naval station yesterday of the coming of the distilling and supply ship Iris. She sailed October 5th from Guam for San Francisco and is to stop at Honolulu. The Iris ought to reach port either tomorrow or Sunday.

The Iris has been in the Philippines since 1899 having made the outward trip with the Oregon and Iowa as supply ship. The Iris has a distilling plant aboard which furnishes water for such warships as she accompanies. After her long service she is to lay up at the Mare Island naval yard for a general overhauling. Several well known naval officers are reported to be aboard her.

### Ashford and Motley.

Clarence W. Ashford and David Motley had their nominations as candidates for supervisors in the Fourth district duly filed with Registrar Buckland yesterday. They go on the regular Home Rule ticket.

## CANADA FEELS SORE ABOUT ALASKA AWARD

### She Claims That England Sacrificed Her to Keep the Friendship of America.

(ASSOCIATED PRESS CABLEGRAMS.)

WASHINGTON, D. C., Oct. 21.—President Roosevelt and the members of the Cabinet today exchanged congratulations over the award in the Alaskan Boundary settlement with Great Britain. President Roosevelt is particularly pleased over the result owing to the severe criticisms made at the time he agreed to permit America's claim to be arbitrated upon by a commission composed partly of British and partly of American commissioners.

VICTORIA, British Columbia, Oct. 21.—There is much soreness in official circles here owing to the announcement of America's victory over Canada in the Alaskan Boundary case. Canadians feel that their interests have been sacrificed by Great Britain in order that the mother country might retain the friendship of the United States.

BERLIN, Oct. 21.—A Siberian newspaper asserts that Russia has made a treaty with China which gives the former practical control of Manchuria and nominally control of China.

SALONICA, Turkey, Oct. 21.—The Sultan has ordered thirty-seven battalions of troops, recently brought here from Asiatic Turkey, returned to their stations as there is no longer any demand for their services in Macedonia.

ROME, Italy, Oct. 22.—It is stated here that Pope Pius will approach Italy in an endeavor to have the long standing controversy between the Italian state and the church amicably compromised. He is stated to be tired of being regarded as a prisoner in the Vatican.

As Pius X. has always been friendly with King Victor Emmanuel there is a possibility that the new head of the church may be able to compromise the long standing trouble between the two powers.

LAKE MOHONK, Oct. 22.—Lucien Walker, of New York, in an address before the Indian conference in session here, stated today that the granting of universal suffrage in Hawaii had been a mistake and cited the destruction of the legislative vouchers as an instance of the harm that had resulted.

Lucien Walker is a well known journalist who has made a special study of American political questions. He has travelled extensively and has written a great deal on history, travel, society, and current events.

BERLIN, Germany, Oct. 22.—Russia has assured Germany that she will remain on the defensive even if Japan does occupy the Korean ports. But Russia states that Japan must not cross the Yalu river from Korea into Manchuria.

The above statement is practically to the effect that Russia is willing that Japan should occupy Korea but that she will not tolerate Japan carrying the dispute further and attempting to drive the Russians out of the disputed Manchurian territory.

SAN FRANCISCO, Oct. 23.—The local transport officers have received orders from Washington to direct that army transports going to and from the Philippines shall in future stop at Honolulu.

The Pacific Squadron has left San Francisco on a cruise which may be extended as far as the Hawaiian ports.

## GET BLUEFIELDS CUTTINGS IN SPITE OF TRUST

Jared G. Smith, Special Agent in charge of the United States Experiment station, was notified yesterday of the shipment of five hundred Bluefields banana cuttings from Costa Rica. The cuttings were obtained through the United States Department of Agriculture and the news is most welcome as the last advice was to the effect that it would be well nigh impossible to get Bluefields because of the opposition of the so-called fruit trust.

The Territorial Board of Agriculture some time ago authorized the expenditure of \$500 by Director Smith for Bluefields cuttings, as it was desired very much to encourage the growing of that variety of fruit in the islands. The Bluefields bring a much higher price in San Francisco than the China bananas which is the variety exported from Hawaii. It has been demonstrated that the Bluefields will grow here and also that it is much harder and requires less care in shipping to the coast.

The cuttings of the shipment of which Jared G. Smith has been given notice were procured by the Department of Agriculture from Costa Rica. Some doubt was expressed in a recent letter from Washington as to the ability of

the Department to secure cuttings for Hawaii. It has been represented that the Boston Fruit Co. not only had a monopoly on all the Bluefields banana plantations but also controlled the steamship lines which carried the fruit to the coast. The fruit "trust" also did not relish the idea of the Hawaiian growers competing with it in the American market and for that reason it was thought to be almost impossible to secure cuttings from the region it controlled. The shipment from Costa Rica, however, disposes of all difficulties and an ample supply is now said to be assured. The cuttings are furnished without expense further than the cost of transportation and this expense will be at a minimum as the plants are shipped by the War Department and will come through Depot Quartermaster Williamson. Whether on a transport or not is not certain, although all federal shipments are made through the quartermaster's department.

Director Smith stated yesterday that there would be no general experimenting with the cuttings which he is to receive from Costa Rica. For the first year or so the attention of the department will be devoted exclusively to their propagation in order that an ample supply of plants may be assured for future experiments.



# TEMPERANCE WORKERS REPORT A GOOD YEAR

Annual Meeting Held Yesterday for Election.  
Hilo Workers Are Somewhat Discouraged.  
The School Savings Bank a Success.

The name of the "W. C. T. U. of the Hawaiian Islands" was changed to the "Women's Christian Temperance Union of Hawaii," at the annual meeting held yesterday at the residence of Mrs. J. M. Whitney, the president, on Punahoa street. The meeting of the society was attended by about fifty ladies, the largest meeting held in years, as well as the most interesting.

Mrs. Whitney opened the meeting with Scripture reading, and Miss Ada Whitney sang a solo.

**SECRETARY'S REPORT.**  
The report of the secretary, Mrs. C. H. Austin, for the year just closed, showed the W. C. T. U. to have been unusually busy in their work of reform. The report was as follows:

That "time flies" is a true saying which we all appreciate most fully when we come to the end of our year, and feel that another year has passed away. Again we ask ourselves: "What have we accomplished during the year that has passed?" It is a hard question to answer. Only eternity can unfold the good that has been done, but we can take heart with the feeling that we have tried to do what we could though it is not what we would like to have done. We have many things to be thankful for, and many things to regret.

We regret that we have been powerless to lessen the number of saloons in our midst or in any way to stem the tide of intemperance. There seems now to be an apathy on the subject that it is hard to work against. The different branches of the Society have been at work, and considerable success has crowned the efforts of the branch of "Savings Banks in the Schools." Our president has given a good deal of time and thought to that subject as well as the committee who have charge of that branch. One afternoon Mr. Mackintosh who has had several years experience in that line, very kindly came in and gave us his experience in the matter, and his talk quite cheered and encouraged us in our efforts. Miss Felker, principal of the Kaahumanu school, has given us very cheering accounts of her experiments the results of which we shall probably hear from the committee.

The Anti Cigarette committee have met with good success through our chairman has not been able to follow the work up as she would like to have done.

The Literature committee has been busy distributing literature on temperance. I am sorry to report that the chairman Mrs. Westervelt has been ill and quite unable to do any work for a number of months so that the work has devolved upon Miss Johnson, the other member of the committee. The progress of temperance education in the schools has been reported from time to time and discussed in the meetings. The teachers have taken hold of the work with a good deal of interest and much has been done in that line. The Flower Mission was given up in January. The work is still carried on though it is not under the auspices of the W. C. T. U.

The April meeting was given up to the discussion of "Women's work and what women can do to raise the standard of morality and to ameliorate the evils of mankind." It was thought at one time that women were not capable of organizing and carrying on charitable work successfully, but they have shown themselves equal to the task, and are conducting many associations with success. The W. C. T. U. outranks all others in numbers and scope, as it reaches out to all parts of the world, and turns its attention to every phase of work that has for its object the uplifting of humanity.

The meetings have been held every month, and have been full of interest and co-operation of all the women of the community of whatever creed or denomination. The work belongs to all women who desire a country that is desirable to live in and safe to bring up children in.

Let us look around and see what is being done in other places. In the fields of legislation by means of a bureau, liquor selling at the immigration stations has been prohibited. At first the officials opposed it but since it became law they have faithfully carried out its provisions. As a consequence of this discussion liquor selling was prohibited in the Capital.

The bureau worked with the Anti Saloon League and the W. C. T. U. to hold and fortify anti canteen legislation. Earnest efforts of interested lawyers to repeal the bureau's divorce law for the Capital were thwarted. The bureau also received the thanks of the National Humane Society for its effective part in defeating, after it had passed the House, a cruel act to extend from 20 to 40 hours the time cattle might be carried on trains without watering. The exclusion of illiterate immigrants was worked for but failed in the Senate.

The McCumber bill to shut out liquor from soldiers' homes will be the next step for all reformers to urge in the movement to suppress all government liquor selling. "One of the bureau's greatest legislative achievements was in the Pennsylvania legislature when a bill to legalize the Saratoga type of race gambling was defeated."

"The two worst foes to progress are in our own ranks: the man who thinks we are doing well enough and the man

who believes that conditions are so bad that nothing can be done. Let us tell out the facts unreservedly, and the first man will be aroused; while the second man will be encouraged, not by satisfactory progress, but by this fact, which is the true ground of the reformer's hope next to his faith in God, that moral reform wins wherever and whenever Christian citizens make a fight."

I cannot close this report without referring to our sister and earnest worker in the temperance cause, Miss Mary Green. She closed her earthly record with the close of the last fiscal year so that the annual meeting naturally and fittingly took the form of a memorial, the address of the president being a tribute to her worth and a history of her work in the temperance cause for many years. We have missed her bright face and genial smile in our meetings.

The Band of Hope boys will surely feel her influence for many years. We miss her monthly reports. Her memory will ever remain green in the hearts of her W. C. T. U. sisters and co-workers. Miss Willard, our great leader, was not forgotten at the meeting in February, that month being the anniversary of her departure to her home above. The meeting was given over largely to reminiscences of her life and work, extracts being read from Miss Gordon's book, "The Beautiful Life." How true it is that "Blessed are the dead who die in the Lord, for their works do follow them."

**COMSTOCK MAY COME.**  
Mrs. E. W. Jordan presented her report as corresponding secretary, stating that she had received twelve letters from secretaries of various state societies and also had sent out the report of the local W. C. T. U.

The annual report had also been sent to the National W. C. T. U. Mrs. Jordan also reported on the aid Miss Felker had been to the temperance movement, she having prepared a special list of questions for the Summer school, relative to the effect of alcohol on the body. An appeal had been received from Anthony Comstock of New York during the year for aid in the suppression of vice in New York, and the society had responded with a contribution. A letter of thanks was received from Mr. Comstock, in which he stated that the money from Hawaii was the first to be received.

Mrs. J. M. Whitney stated that an effort is now being made to get Anthony Comstock to come to Hawaii for a series of lectures. She was certain that the W. C. T. U. would be glad to share this expense.

**TREASURER'S REPORT.**  
The report of the treasurer, Mrs. Lydia B. Coan, showed receipts for the year amounting to \$113, which with the balance remaining from last year gave a total fund of \$115.11. The expenditures during the year amounted to \$55.18, leaving a cash balance of \$59.93 still remaining.

Mrs. Coan stated that the treasurer's book, now seventeen years old, was full to overflowing. She said that an examination of its contents showed many interesting things. The membership had apparently decreased. The receipts during the period amounted to between \$7,000 and \$8,000. Twelve out of the sixty-five original members registered in the book are dead, others have moved away, and quite a number are still members of the organization.

**THE HILO BRANCH.**  
Mrs. Austin reported for the Hilo branch of the W. C. T. U. saying that not much work had been taken up during the year, but the regular monthly meetings had been held. The Hilo society reported that it felt intemperance to be on the increase, and also that there was a more frequent use of liquor in both public and private at entertainments.

**WORK IN THE SCHOOLS.**  
Miss Gertrude Whiteman, of the committee on scientific temperance instruction, reported that the work in the schools in aid of temperance is progressing exceedingly well. Great praise is due to the instructors for their work in this connection. The students are being taught cleanliness, morals, etc., in connection with temperance. The teachers however had to contend with parents of various nationalities who combated their teachings. The chief efforts of the instructors were directed towards eradicating the principles of intemperance taught in their homes. Miss Whiteman stated that the teaching of temperance in the private schools was not up to the usual standard. The Japanese are doing the best outside of the public schools, going into the churches for temperance meetings to which other nationalities are invited. The Japanese also are working among the Chinese, who are not making much progress in the fight for temperance. There are some few Chinese who are staunch in their support of the movement, even to the extent of refusing liquor at festivals, where it is almost counted as an insult. "In view of the perplexing environments of the youth of Hawaii," said Miss Whiteman, "it is a cause for gratitude that such progress has been made and a foundation laid for the cause of temperance among the boys and girls of the Territory."

In this connection, Mrs. Whitney stated that each of the states had now

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# ERUPTION UNABATED.

Mokuaweweo Keeps Up  
Its Stupendous  
Display.

By the steamer Mauna Loa yesterday the intelligence came, that the eruption in Mokuaweweo, the summit crater of Mauna Loa, continued with unabated vigor up to the departure of the steamer from Hawaii.

Many observers had returned to the coast from the scene of action, nearly 14,000 feet above the ocean, and their descriptions of the eruption are almost exhaustive of the vocabulary of all that is amazing and awe-inspiring.

Where two or three constant fountains of incandescent lava played in former eruptions, these focuses of violence are now counted by tens. One party claims to have seen thirty-five geysers at once. The eruptive forces are at play chiefly along a line running through the middle of the crater, northwest to southeast, although steam and smoke are rolling up from the entire floor with its dimensions of three miles long by two and a half miles wide. Intermittent explosions upon the main line of activity throw up columns of ruddy lava to a height of forty to one hundred feet, the mass falling in spray of variegated color like the product of some kinds of artificial fireworks.

One grand sight reported was that of the collapse of an eruptive cone after it had attained a height of seventy-five feet. While the fire-spitting from its apex was being watched, amongst other phenomena of distracting variety, one side of the cone broke down with a reverberating crash, while the accessory of myriad tongues of flame and scintillations of fireballs made the sight as glorious as the sound was awful.

It is stated that the outflow of lava from the eruptive ridge has raised the floor of the crater about 300 feet, making it come within 700 feet of the top of the enclosing cliffs where in 1899 it was 1000 feet below that mark. Possibly, however, part of this rise is due to an uplifting of the old crust by the mass of molten material pressing upward from the unknown depths of earth.

A flow toward the sea is regarded as probable should the eruption continue a little while longer.

Kilauea, which is 4000 feet in elevation and has now been quiescent for an unusually long period, has begun emitting bluish smoke instead of the white vapor that characterizes its output in times of inactivity. An eruption of that most accessible and comfortable appointed crater is generally expected.

# ADACHI BECOMES COMMUNICATIVE

Adachi, the Japanese committed by Judge Estes for contempt in refusing to answer questions before the grand jury, was brought from jail yesterday morning to the office of District Attorney R. W. Breckons. In a prolonged interview, it is understood, the Federal attorney obtained some important revelations from the previously recalcitrant witness. It is expected that Adachi will purge himself from contempt today by giving unreserved evidence to the grand jury of what he knows about the Japanese association for preventing the prosecution of fellow-countrymen for the crime of importing women for immoral purposes. Possibly it is significant, coming after the reported diligences of Adachi, that fresh warrants were said to have been issued out of the United States Court yesterday afternoon.

# MUCH LIGHTNING VISITS LANAI

Lightning seems to have struck harder and oftener on the little island of Lanai than on Maui in last week's thunderstorm. Charles Gay's ranch house was struck by bolts three or four times in succession. Other strokes fell about the premises. One horse was killed and another knocked down, while a cat underneath the house lost its ninth life.

Fortunately, although a number of Hawaiian fishermen had taken shelter from the storm in the ranch house, there was no loss of human life. Two natives received slight injuries, one from shock and the other from buzz. The damage to the house was principally in the kitchen, where the lightning demolished the stove.

# JAP PLUNGES TO HIS DEATH

By falling from the veranda of a Liliha street house at an early hour yesterday morning, Ootani, a Japanese, received injuries which caused his death. Just previous to his fatal plunge, the victim was seen by Officers Bortfield and Spiller intoxicated. Yoshishiro, a friend, says that after midnight Ootani went to the house and sat on the upstairs veranda. He sat on the railing and when about to rise, lost his balance and went over, falling in a pile of lumber. He was picked up bleeding. Police officers sent Ootani to the Japanese hospital where he died about an hour afterward.

Waited no time: "The manager says he engaged the forty chorus girls in twenty minutes." "Gracious, but he's quick at figures."—Town Topics.

# GALLAGHER THE THIEF

It Was He Who Stole  
Mrs. Parker's  
Jewels.

The mystery surrounding the theft of the diamonds and other jewelry belonging to Col. and Mrs. Samuel Parker has been cleared up, most of the jewelry, as well as the famous \$4,500 "blue" diamond, and the man who stole them, Ben Gallagher, for years the trusted coachman of Mrs. Parker, restored the gems to their owners. No arrests have been made and it is not believed that Col. Parker will prefer a charge against Gallagher. It is understood, however, that the ex-coachman will shortly leave the islands.

Peering into the wine glass when it was brimful and crimson proved the undoing of Gallagher. He needed for money was great recently. He received \$45 a month as wages from the Parker's, and he had to pay \$25 per month to his wife who had obtained a divorce from him, as well as attorney's fees. On Monday evening Gallagher went to the Wela Ka Hao saloon, of which Billy Cunningham is proprietor, and displayed a diamond solitaire on which he requested a loan, or to dispose of it entirely. Cunningham was struck with the beauty of the gem and also by the thought that the diamond was probably not the property of Gallagher. The transaction was made and Cunningham took the jewel to Wishman's, asking if it could be identified. It was, and Col. Parker was communicated with. The police were also brought into the case and shortly Gallagher was apprehended. He had been along the cocktail route. He was subjected to the rigorous method of police interviewing known generally as sweating, and he finally confessed that he had stolen the jewels on the night of July 31, after the opening reception of the Young Hotel. As Col. Parker desired to maintain secrecy, and was willing to let the whole matter drop if only he could recover the jewels, Gallagher was told that if he would restore them he would not be prosecuted. To this proposal he acquiesced, and said he would produce all that he had. These were in his room at Walsh's, back of the Orpheum theater. He expressed a desire to see Rooney, the blackman, and the latter accompanied Gallagher to the room and the missing jewels were soon in Col. Parker's hands. These included the blue diamond valued at \$4,500, a ruby ring surrounded by diamonds, a solitaire and one of Col. Parker's diamond shirt studs.

The jewelry still missing which is said to have been sold by Gallagher on the Coast comprises an opal ring surrounded by diamonds, and a diamond shirt stud. The aggregate value of the lot is said to be about \$11,000.

Gallagher was discharged from the employ of Col. and Mrs. Parker about ten days ago. He is an expert with the reins but has a bad record.

# FURST COOKING'S REPORT

The Inter Island Company's steamer Mauna Loa arrived from Kau, Kona, and Maui ports at an early hour yesterday with a large cargo, principally sugar. Furst Cooking reports 900 bags Honouapou, 2,500 Punaluu, 3,300 Honokaa, ready for shipment. His general report is as follows: "Fine weather on outward trip. Took 8,000 bags sugar at Punaluu in fourteen hours. Then helped to load Koaau. On way home we passed the steamer Iwalei at anchor at Kapapa Sunday afternoon. She was discharging at Punaluu when we left Kailua."

The volcano shows no sign of abating. The fires still burn freely in the crater. There has been no flow. Weather at Kau has been fine with frequent showers. In Hamakua fine weather has prevailed with no rain. The steamer Iwalei may be loaded by Wednesday if she waits for a full load at Punaluu. Smooth trip coming home with light northeast trades crossing Hawaii channel."

# MOTHER AND CHILD

Scott's Emulsion is cod liver oil made almost as palatable as milk. It is easy and soothing to the weak stomach; it checks the tendencies of children toward thinness.

Scott's Emulsion gives strength to weak mothers because it creates healthy flesh and new blood.

Nursing mothers will find a special value in Scott's Emulsion because it insures a flow of rich, nourishing milk for the baby. More and better than a medicine; Scott's Emulsion is a food.

Scott's Emulsion is not a mere extract, containing imaginary "active principles" which do not exist, but is full of actual nourishment which sustains vital force and builds up the body tissues more rapidly than any other known remedy.

We'll send you a sample free upon request. SCOTT & BOWNE, 109 Pearl Street, New York.

# BANKS WILL GIVE THE REPUBLICANS AMPLE CASH

A large and enthusiastic Republican meeting was held last evening at Kailua camp. A supply of benches and chairs was arranged out in front of the hotel of the office of the superintendent of the camp and the place was brilliantly lighted with lamps and torches. The chairs were well filled, in the neighborhood of 300 people attending.

Henry C. Vida opened the meeting and said that he supposed the people present came to listen to the different candidates and he would make no remarks himself but would get down to business at once by introducing Frank Pahia.

Mr. Pahia proceeded to compare the candidates on the different tickets and the records of the two parties, winding up by asking for a straight Republican vote from all present.

Sam Dwight, Pahia's running mate on the ticket, followed, making his usual eloquent speech which was frequently applauded.

Mr. Vida then introduced Admiral Beckley, as "one of the most distinguished members of the Hawaiian race, a prince among men, whose patent of royalty rests in his heart."

The Admiral was given a tremendous reception. He said: "I did not come here to speak, but to be among you, but since your chairman has called upon me I want to say that as this is the first time you have had everything in your own hands, and as it was placed in your hands by the Republican party it is your duty to stand by that party because it has put up the best men and men who can conduct affairs in a business way." Beckley advocated the straight Republican ticket and asked every one present to vote for that ticket when they went to the polls on election day.

Mr. Vida "introducing Mr. Renton said, "I cannot introduce the great head of this Grand Old Party to you tonight but I can give you an opportunity of seeing what he looks like, as well as give you an opportunity to hear some political wisdom as expounded by the Roosevelt of Hawaii—Geo. F. Renton."

Mr. Renton said that the more he thought of the County Act the more he found it a business proposition. He then explained the duties of the different officers and what their responsibilities would be.

Candidate Murray was next introduced and made his usual eloquent speech. He answered several of the arguments of the Home Rule party and predicted a sweeping victory for the entire ticket.

Isaac Sherwood followed making a lengthy speech in Hawaiian which was well received.

Attorney Rawlins was next introduced in the following manner: "I now introduce to you Mr. Rawlins, a son of the soil, and I hope you will vote for him and not throw him down for a grafter and a carpet bagger like Cayple, who is only in the country for what he can get out of it."

Mr. Rawlins said in part: "This is the first time that you will have an opportunity of voting for men that are to run the government. Do not abuse this privilege, but vote for the best men. I want to see this country placed side by side with her sister states on the mainland. Do not think of the present but of the future and vote for men who will do honor to the country and who will give it a good name abroad. Cast aside all petty jealousy; do not let them influence you, but stand

side by side, shoulder to shoulder and work for the best interests of our country. Vote for the straight Republican ticket and show your confidence in men who have honor, ability and integrity." Mr. Rawlins then went into the duties and responsibilities of the District Attorney and the general principles of the Republican party.

S. E. Damon was introduced as a "chip of the old block" and a friend of the Hawaiian people. Mr. Damon spoke in part as follows: "It has been the policy of the Republican party to which I belong to cast no stones on the Home Rule party and I myself adhere fast to this policy. At Moanalua, Kapali said the other night to take the two tickets and weigh them in the balance and vote for the better men. Peopoe on the other side said, 'No; do not listen to that, vote the straight Home Rule ticket.' I ask if that is fair when you know that there are better men on the other side. There is not a day goes by now but the Government is seeking assistance from the banks and business houses. Do you think that they would advance money to the Government if the men in office were not good men?"

"It was only today that the leaders of the Republican party came to Bishop & Co. for a large sum of money to start work on the School street extension and they got it. Do you suppose we would have given it to men whom we could not trust? No, not a single cent. Compare the tickets, weigh the men and vote for those you can trust. I close by asking that when you go to the polls vote the straight Republican ticket."

A. M. Brown said: "The Republicans have honored me with the nomination for County Sheriff and I ask your support for myself and for every other candidate on the Republican ticket. I am a Republican and I ask you to support the Republican ticket because I think the Republican party can and will do the most for the new country."

"Wilcox says he will give the Hawaiians a better show than Brown will give them. I ask you to keep Brown in office so that he can support the Hawaiians as he has in the past. When you vote for me you vote for every man in the police department and there will be no clean sweep as Wilcox promises to make it elected."

"I ask you to give the Republican candidates an opportunity to put the county machinery in motion. Give us the full strength of the ticket and we will carry out all our promises. I propose to stand by you if elected and I know that every other candidate on the ticket proposes to do the same."

Mr. Brown's remarks were greeted throughout with hearty applause.

Jack Lucas was greeted with cheers and applause that lasted several minutes. He had the audience in roars of laughter from start to finish, and his remarks were punctuated by frequent cries of "Good-boy, Jack." "You are all right," and "What's the matter with poor olele (bald-headed) Jack?"

Daniel Kekaha spoke next and made quite a hit with the audience. J. W. Pratt followed saying he could talk in Hawaiian but he could not talk in that language. He explained the duties of his office and advocated a straight Republican vote on election day. His speech was well received.

Malola, an ex-Home Ruler and prominent Hawaiian, spoke next getting a good reception.

Robert N. Boyd, W. C. Achl, Joo Inch and others also spoke.

# WORKERS COMING FOR THE CATHOLIC CHURCH IN HAWAII

A cablegram was received at the Catholic Mission yesterday morning announcing the departure of Father James with three priests from New York to Honolulu. Father James has been on an extended visit in Belgium and other European countries. He has been engaged in work in Hawaii for a long period, most of his time having been spent on the island of Maui, where he is well and favorably known. The three priests who accompany him to Hawaii will take up the work here under Bishop Libert. Their disposition has not been decided upon as yet although there are vacancies in the church in the islands at present.

Father James is expected to sail with his party from San Francisco on the Sierra and is due to reach Honolulu on November 4th.

When the President's special train, during his recent tour of the West, reached Nebraska, Governor Mickey pointed the party to greet the President across the State. The President was delighted to meet the governor of Nebraska, and asked him about a hundred questions—political, industrial, social, and personal—winding up with "How many children have you, governor?" "Nine," answered Governor Mickey. "You are damn good man," exclaimed President Roosevelt. "You are a better man than I am. I have had only two children." Governor Mickey, who is a Methodist elder, gasped with astonishment.



## MITCHELL REPORT MAY BE TAKEN UP DURING EXTRA SESSION OF CONGRESS

(MAIL SPECIAL TO THE ADVERTISER.)

WASHINGTON, D. C., October 10.—Since the last mail left for Honolulu, Secretary George Carter has completed his errand here to facilitate the sale of Territorial bonds in New York. Mr. William Haywood, who has been helping Mr. Carter in every way possible, has sent him several messages to the Holland House in New York and as far as anything known here Mr. Carter is doing well on his errand over there.

Secretary Shaw promptly agreed to accept the Territorial bonds as security for government deposits in national banks for ninety per cent. of their face value. This is regarded at the Treasury Department as adding immensely to the saleability of the bonds and as likely to assist Mr. Carter in disposing of them to New York financiers. However, the market in Wall street has within a few days been more panicky than ever and justified Mr. Carter's anxiety to get over there with the necessary credentials from Washington as rapidly as possible to press the most advantageous bargain. The sagging of values continues and there is no telling where the depression will end or what it will cause eventually in checking industrial progress and in frightening investors.

Before he left Washington Mr. Carter deposited with Assistant Secretary of the Treasury Keep a statement about the Territorial bonds and about the financial standing of the Territory, including its revenues. This was for the purpose of affording Mr. Keep some ready information with which to answer any inquiries that might be made of the Department regarding the bonds.

### THE MITCHELL REPORT

The arrival of Senator Mitchell, of Oregon, in Washington is expected daily. He was here about two weeks ago and informed me that he was on his way to New York but would return, after ascertaining more about the illness of his daughter in Paris. Senator Mitchell said there would be much to do in Congress this winter on Hawaiian affairs but added that he did not care to discuss his plans until he came back from New York. During the month's extra session of Congress there will be opportunity, if the Committee on Pacific Islands and Porto Rico so desire, to consider some of the features of the Mitchell report. It is probable, however, that that task will be approached tardily and, as I indicated in a previous letter, that nothing of a radical nature will be accomplished in the way of legislation.

Postoffice Inspector George S. Lynn, of Spokane, Wash., who was stationed for a year in Honolulu looking after Hawaiian postal affairs, has recently come here to take a part in the general postoffice investigation. He is now in charge of the division at Spokane. Lynn remembers very pleasantly his stay in Hawaii and says it is, to his mind, the most interesting place for tourists to visit of all the country under the Stars and Stripes.

Regarding the sugar crop of Porto Rico this year the Moniteur Officiel du Commerce, a French publication has this to say according to a bulletin issued by the Department of Commerce and Labor:

"The sugar crop of 1902-3 in Porto Rico has been satisfactory. In one district—that of Arroyo—the density of the sap reached 11° Beaume. The total crop in the district of Mayaguez reached 7,500 tons. Many plantations in the Ponce district suffered from drought. This retarded the growth of the cane, causing it to yield 8 to 10 per cent less than last year. Ponce has already exported 18,100 metric tons (of 2,204 pounds each). That port expects to send out 25,000 tons during the year. If the weather is favorable the exports of Ponce in 1903-4 will be 30,000 tons. These figures for only three districts give a good idea of what is being done in the sugar fields all over the island."

ERNEST G. WALKER.

## ANOTHER MOOT QUESTION CONCERNING BALLOTING

Another question concerning the county elections has come up and caused a division of official opinion. It relates to the balloting. The official ballots contain the names of all the candidates for office, those for the different offices being separated with heavy border lines, and the title of the office over each compartment in bold type. To the left below each title in English, and to the right in Hawaiian, is a direction to vote for the number to be elected to the particular office. Thus, "Vote for one," in the case of sheriff for example, and "Vote for five" in the case of supervisors where that is the number to be voted for.

The question that has been raised is whether a ballot marked for more than one candidate for the office of sheriff or any other office to which but one can be elected, but not marked for more than the number of supervisors for which the voter is entitled to vote, will be void regarding the supervisors and any other offices for which the ballot is properly marked as well as the office for which the ballot is distinctly spoiled.

Governor Dole is stated to be of the opinion that the whole ballot would not be void, but only the part or parts of it where the voter made it impossible by his marking to know his choice for one or more distinct offices.

Attorney General Andrews holds that a ballot marked, as to any office, for more than the number to be elected is void as to all the offices on the ballot and should be thrown out summarily by the inspectors. His contention is that a ballot wrongly marked is a "marked ballot" capable of identification and therefore within one of the legal prohibitions.

Section 77 of the "Rules and Regulations for Administering Oaths and Holding Elections," which form a part of the election law under which the county elections are to be held, is as follows:

"Section 77. If more names are voted for on a ballot than there are offices to be filled; or,

"If on a ballot for representatives a larger number of votes are marked than the law authorizes; or,

"If a ballot contains any mark or symbol whereby it may be identified, or any mark or symbol contrary to the provisions hereof; or,

"If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person; or,

"If a ballot is marked contrary to the provisions hereof, then such ballot shall be rejected."

"But no ballot shall be rejected for containing a less number of votes than the number of offices to be filled."

"If a ballot is marked to be invalid as aforesaid, shall be marked with the name of the person of inspectors, with his name or

## TWO STEAMERS TO SEEK MISSING FRENCH SAILORS

Wilder's steamship Lehua in command of Captain Naopala, with Captain Rault of the ill-fated French ship Conetabie de Richmond which was abandoned on the French Frigate Shoals about 500 miles to the northwest of Honolulu, steamed out of the harbor shortly after 9 o'clock last night to locate the two missing boats which left the side of the wrecked vessel at 6 o'clock on the morning of October 11. The Lehua was chartered yesterday afternoon by the Acting French Consul, Mr. Albert Raas, who will make every endeavor to succor the lost seamen. The Lehua, although the smallest steamer of the Wilder fleet, will carry enough coal to giving her a steaming radius for about seven days, and may possibly extend the voyage to ten days. She will go direct to the waters between Kauai and Niihau, visit the latter island, and if the men are not there will cruise to the northwest, according to the directions of Captain Rault. The vessel will make no attempt to go to the French Frigate Shoals. The last seen of the boat containing Mate Rault and seven men was between 8 and 9 p. m., Oct. 13. It is this boat which Captain Rault and Mr. Raas hope to pick up. The boat containing executive officer Lamie, which went northward against Captain Rault's orders, to get in the track of steamers plying between Seattle and Yokohama, may never be heard of again.

Admiral Terry, Commandant of the Naval Station, was interviewed yesterday by Mr. Raas and Captain Rault, the result of which may be that the Iroquois in command of Captain Rodman, will go out in quest of the missing boats either tonight or tomorrow morning. Unfortunately the Iroquois' boilers had just been taken apart and these are being put together again as quickly as possible. The act of international courtesy was greatly appreciated by the Frenchmen, as with two vessels joining in the search the chances for the discovery of the seamen are much greater.

Mr. Raas cabled yesterday to the Ministry of Marine at Paris giving a synopsis of the disaster and asking for full authority to make every effort to find his countrymen. He had not received a reply up to last night. Mr. Raas deplores the hurried departure of the French cruiser Protet for Tahiti on October 13.

Wireless dispatches from all the islands yesterday were to the effect that no trace of the missing men had come to notice.

## Story of the French Bark

Wrecked on the treacherous coral reefs of the French Frigate Shoals, 500 miles west of Honolulu, the fine, new French ship Conetabie de Richmond is probably ending the checkered incidents of a voyage which began at Hongkong on June 16. Her master, Capt. Rault, and seven members of the crew, were brought to Honolulu yesterday morning on the steamer Mikahala from Kauai where the boat had been taken after a landing had first been made at Niihau. The first relief steamer steamed out of Honolulu last night—the Lehua—and this will be followed tomorrow morning by the U. S. S. Iroquois. Those who arrived yesterday are as follows:

### SAVED.

BOAT NO. 1—J. RAULT, Captain.  
DURAND, 2nd Mate.  
POLVERT, Carpenter.  
KERDUSUFF, Cook.  
TILLY, Seaman.  
LE TEZIER, Seaman.  
SIMON, Seaman.  
GUIDOUX, Cabin Boy.

### MISSING.

BOAT NO. 2—LAINE, Executive Officer.  
LE BRETON, Engineer.  
LE BHAU, Seaman.  
LE GAILL, Seaman.  
CLEMENT, Seaman.  
URUCH, Seaman.  
BERGER, Seaman.  
LE NORMAND, Apprentice.

BOAT NO. 3—RAULT, Boatwain.  
ORTEUIL, Seaman.  
DANIEL, Seaman.  
DESTRICHSEN, Seaman.  
DUGIERNE, Seaman.  
LA CORNE, Seaman.  
CHARLERS, Seaman.  
SIVEN, Galley Boy.

The men who were saved brought away from the ship the least amount of clothing and personal effects possible, and the largest amount of food and water that could be carried with safety. The seamen had but one suit apiece, and Capt. Rault was compelled to borrow a shirt from Capt. Gregory of the Mikahala to make himself presentable before coming ashore. The men were taken to the Sailors' Home and Capt. Rault became the guest of Mr. Raas.

Capt. Rault was about the only member of the boat crew who suffered from exposure. His legs were swollen and he was almost incapacitated from walking yesterday, but even then he promptly volunteered to accompany the Lehua. Dr. Cooper gave him medical attention.

## A Long Trail of Misfortunes

The Conetabie de Richmond left Hongkong June 16 for Taial, a nitrate port of Chile, South America, after having discharged at Hongkong a cargo of oil and wheat. She had 1400 tons of water ballast. For nearly three months the Conetabie de Richmond sailed about in the China Sea. On the night of September 4 the Pacific Mail steamship City of Peking sighted a ship which had up signals of distress. The Peking was hove to and a boat from the stranger pulled over. The vessel was the Conetabie de Richmond, eighty days out of Hongkong and short of provisions. A boatload of eatables was sent over to her and the Peking continued on her journey, reporting the matter at Honolulu, the story of which was printed in the Advertiser. The vessel was to have put into Yokohama but failed to do so.

The Frenchman next fell in with a Swedish steamer near the Ladrones or Marianas Islands. A request was made for provisions but was refused by the Swedish skipper on the ground that he

was poorly supplied. About a month or five weeks ago, the captain of the ship reports that they signalled a large steamer headed eastward, and his description of the vessel—white hull, two masts, two yellow funnels, a bowsprit—would indicate it was a vessel of the Toyo Kisen Kaisha, probably the Nippon Maru. Captain Rault says this steamer was sighted west of the Midway group. The day the vessels met, it is claimed by the captain that the steamer appeared to steam straight toward him, and he then hoisted signals when about five miles distant to indicate he was short of provisions. Just at this time the stranger changed her course and steamed away.

## The Lorelei of the Shoals

Capt. Rault then decided to put into Honolulu for provisions. In order to get the advantage of heavier winds he steered off to the northeast. On October 10, Saturday morning, after midnight, the vessel was going ahead easily, the weather being fair, although the night was dark. Polvert, the carpenter, was on watch. About 4 a. m. the lookout reported a full-rigged ship off the port bow. The watch on deck, with their attention attracted to the object, saw the huge bulk and thoughts of fresh provisions arose in their minds. One thing struck them as odd, that the stranger had set no lights. The Frenchman held on in chase of the phantom, and then suddenly the mysterious three-masted vessel loomed up as the 130 foot high islet which lies in the semi-circle of coral teeth to the east. Orders were given by the captain, who had previously been summoned on deck, to change the course, but they came too late. The vessel was found to be making her way in the midst of submerged coral. The lookout had also seen a line of breakers ahead. A rush was made to the wheel to put the ship about, but before this maneuver could be accomplished, the Conetabie de Richmond had struck with a force which almost shook the masts out of her. She remained fast, her bow jammed in the coral. The sea was comparatively smooth and this prevented the ship from pounding. Both anchors were dropped, and a kedee anchor was put out astern, and an effort was made at once to get the vessel off, but without success. The ship was held in a tight embrace. It was 4:30 a. m. exactly when the thing happened. Steam was got up and the donkey engine was worked all day Saturday. The pumps were sounded but no water had entered showing the hull was not damaged. The ship was tilted over on one side, and in this condition she was when the officers and crew abandoned her the next day.

## The Vessel Abandoned

On Sunday morning, October 11, Captain Rault concluded to man the boats and leave the vessel to her fate, as he was short of provisions. Each boat was fitted out with food and water to last fifteen days, although the captain's boat had less than the others. Each boat had sails and compasses. Captain Rault's decision was to set out for the Hawaiian Islands, and the start was made at 6 a. m., Oct. 11. The boat in charge of Laine went in a northerly direction, against Captain Rault's orders. It was really a case of mutiny.

Capt. Rault and Boatwain Rault started together for Hawaii. They kept together until Thursday evening, October 15, when the compasses were compared. On that night the boats separated. Captain Rault having seen the Boatwain's boat between 8 and 9 p. m., Captain Rault made fire signals during the night but they were not answered. It is supposed that the Boatwain came to the conclusion that he knew more than the captain and struck out for

(Continued on page 4.)

## MAY HAVE DONE MURDER

### Three Japanese Held to Account for Taka's Death.

Nomura, Tanaka and Hirota, three Japanese, who have figured at different times as the husbands of Taka, the Japanese woman who was found floating in the ocean off the premises of Governor Dole at Diamond Head on Sept. 20, will be held to the grand jury which will investigate the affair and determine whether or not indictments for the murder of the woman will be returned. The coroner's jury which investigated the case last night made a tentative recommendation that this action be taken.

There is a possibility also that the men may be called before the Federal grand jury, as they have admitted that they were in the slave trade, that is, buying and selling the woman who met her death, possibly by foul means. The testimony of Dr. J. S. B. Pratt, executive officer of the Board of Health, given before the coroner's jury inquest held at the police station last night, was to the effect that the woman had received a blow on her head before the body had entered the water. Dr. Pratt read the notes of Dr. McDonald, who made the autopsy, in which Dr. McDonald said the woman had received a blow on the head which brought on her death, superinduced by drowning.

Tanaka Sekimatsu, the woman's husband when she came to her death, had bought her for \$120 from Nomura. Tanaka had been the husband for three weeks. He returned to his home at 9 p. m. and his wife was missing. He said a search was made for her that night. The first he knew of her death was when he heard her body had been found. He said he and his "wife" had had no trouble, and she had been cheerful when he left her on the evening of her disappearance.

Nomura had known the woman for about a year, but had not seen her for four weeks prior to her death. She had been his wife before Tanaka bought her.

The jury brought in the following verdict:

That the said Taka Tanaka (w) came to her death at Waikehi, Honolulu, on September 20, from hemorrhage of the brain caused by a blow on the head inflicted by a person to this jury unknown.

(Signed) C. F. CHILLINGWORTH,  
H. C. MELLOTT,  
N. E. G. JACKSON,  
A. G. NICHOLAS,  
D. KAHAANUI,  
C. H. BROWN,  
H. W. KINNEY.

## LOUCKS OUT WITH GEAR

### The Judge's Old Bosom Friend and Clerk Leaves Him.

Gear and Loucks have separated. Skeptically inclined persons will now doubt the story of David and Jonathan and flout the less authentic but equally beautiful legend of Damon and Pythias. When Judge Gear came to the Circuit Court bench three years ago, he called F. H. Loucks from his private vocation in a bookstore to be clerk of his court. Judge and clerk outside of courtroom and judicial chambers were generally recognized as bosom friends. In the Judge's bachelor days, where you would see one you would see the other.

A rift lately appeared in the lute, which has now developed into an open and complete rupture. This climax arrived on Monday afternoon last after Judge Gear's court had adjourned for the day. Mr. Loucks, annoyed at instances of the Judge's fault-finding with him in the course of the day's court session, informed his Honor that he might confer the clerk's office upon an object that could appreciate its honors and emoluments, with the trimming of judicial hypercriticism, better than the wearer.

On Tuesday J. T. Simonton, clerk to Judge Robinson, officiated in Judge Gear's court and again yesterday. He could not say, for anything he knew, that Mr. Loucks was not merely taking a few days of rest by leave. Mr. Loucks himself was seen yesterday evening, however, and while reticent over the cause of his retirement stated that he resigned the clerkship voluntarily. Further, he intimated that the trouble between Judge Gear and himself had begun some time ago. Both in and out of court the Judge would pick him up on his work, and on Monday last instances of this treatment in open court made the situation intolerable.

Judge Gear will require to engage some one as clerk this week, unless one of the deputies in the Judiciary clerk's office can be spared to him for a while. As Judge Robinson will resume circuit trials next week and needs his own clerk. The office carries a good salary and for the right kind of man there are lucrative pickings in commissioner's and master's fees.

## QUIET LOOK FOR FACTS

### Business of Man Now Here Collecting Data—Represents New Department of Commerce and Labor.

The Department of Commerce and Labor, under Secretary Cortelyou's supervision, is taking a deep interest in Hawaiian affairs. An agent of the department is in Honolulu at present making some extensive investigations of commercial matters.

Le Roy Thomas is the man. He has been with the Treasury Department for about six years. Mr. Thomas came here about a week ago and has since that time been quietly gathering a mass of information concerning things Hawaiian.

From the Territorial Auditor he is getting data about all of the incorporated plantations and companies in Hawaii. The information he is after calls for details concerning capital, stock, holdings, earnings and the number of laborers employed.

During his stay in Hawaii Mr. Thomas may secure considerable data relating to the question of permitting a limited number of Chinese to come here to work as field laborers.

## BIDS OPENED FOR NEW JAIL

Bids for the construction of the new Oahu jail and fence, according to Mr. Trapagen's plans, were opened as follows in the Public Works office:

Building.	Time.
A. Harrison .....	4 mons.
J. F. Bowler .....	6 mons.
Am. Haw'n Eng. & Const. Co. ....	4 to 5 mons.
F. Harrison .....	6 mons.
F. H. Redward .....	6 mons.
Lucas Bros. ....	5 mons.
Fence.	Time.
A. Harrison .....	2 mons.
J. F. Bowler .....	6 mons.
F. Harrison .....	4 mons.
F. H. Redward .....	6 mons.
Lucas Bros. ....	5 mons.

The contract has not been awarded. Discussion has arisen on the competency of the bids from A. Harrison and F. Harrison, because they are not American citizens. If the former's bid were in the name of the A. Harrison Mill Co., a Hawaiian corporation, it is conceded it would be all right.

The jail building will be severely plain, owing to the size of the appropriation. It is to be of three stories, 117 feet long by 28 feet wide. There will be 96 cells each with a window opening through an outside wall and guarded by mosquito proof galvanized netting. The grounds are 163 feet by 83 feet and are to be surrounded by a stone wall 20 feet 5 inches high.

## CHINESE WILL PAY MOST OF THE FEES

One might think, from reading about the consideration of a fee for disinterment certificates by the Board of Health, that there was a considerable tendency not to let the dead rest in Honolulu. Inquiry at the Health office elicits the information that the Chinese almost monopolize the business of opening graves and removing the remains therefrom.

That nationality believes that there is no rest remaining for the people of China but sepulture in or upon the soil of the Celestial Empire. All those Chinese, therefore, who can afford the expense have the bones of relatives dying in this country taken up from their intended temporary graves here for shipment to China, there to be deposited in their "resting graves," to quote the expression of Robert Louis Stevenson.

This Chinese disinterment business has given a good deal of extra trouble to the Board of Health officials, hence the demand for a compensating fee. A goodly but not exorbitant figure is named in the regulation on that subject now awaiting the action of the Board.

THE BEST TREATMENT that can be given cuts, bruises, sprains, scalds or like injuries is a free application of Chamberlain's Pain Balm. It allays the pain almost instantly and should always be kept on hand. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.







## On Shore and Facing Eastward

## SOUTHERN PACIFIC offers

Choice of Routes and  
Choice of Trains

"SHASTA ROUTE"—Oregon Express.

"OGDEN ROUTE"—New Overland Limited.

"SUNSET ROUTE"—Sunset Limited. Down California Coast. Crescent City Express via San Joaquin Valley.

THE DIRECT ROUTE IS THE OGDEN.

The SHASTA will show you Northern California and Western Oregon.

The SUNSET, Central and Southern California, Arizona, Texas, Louisiana.

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613 Market St., San Francisco.

PROFESSOR BRIGHAM'S CASE  
AS VIEWED BY A FRIEND

Honolulu, Oct. 21st, 1903.

Editor Advertiser: Much interest is being taken by the readers of your paper in the articles that have lately appeared in regard to Professor Brigham, and we would now say a little in answer to them.

It is most deplorable to those who have found so much that is good, and have obtained so much valuable information from "The Old Man of the Sea," unique in capability for filling the position he has held with so much credit, being familiar with the Islands scientifically and otherwise, that he should have unguardedly incurred the displeasure of the Roman Catholic community of this land!

But for whom is so much ado being shown, even to demanding the head of the learned Professor? For Father Damien, the philanthropist and canonized saint, who has received an everlasting crown of glory from the great Judge of the hearts of men, and who from the throne of God is extending his kindly hands over this erring world, while in the words of his Saviour he pleads, "Father, forgive them?" And like Him, though reviled would revile not again!

In memory then of the sacred dead, honored by all good people alike, we would say, leave the "Fossil of Prehistoric Time" to where he belongs, to the place he has so well built up, and if he be of no more use, the trustees of Pauahi Bishop Estate will be the first to detect it; but if he be of further use, let the land continue to profit by the services he can still render it and which it would take a new man long to be able to do in the same way.

Moreover, the spirit shown by the Professor's accuser, of this morning's paper especially, does not savor of the rational, charitable, calm Catholicism, but rather of the agitator whom fanatics and not friends of peace would follow.

To the former class it would be immaterial what opinion a man as a free born American might express of their saint or of others; while to the scientist, were the Satanic Majesty himself to furnish light upon the past history of the rare curios of Polynesia now on view at the Museum, there would seem no harm in going into his presence and regarding him as a valuable acquisition for such a place.

In conclusion, as a friend, one would advise Professor Brigham to be careful never again to be found alone with strangers who might seek to draw him out into free speaking.

WELLWISHER.

TURK SUES HIS WIFE FOR  
DIVORCE AND NAMES YEAGER

Now comes libellant, Frank J. Turk, by his attorney, J. P. Ball, and for cause of action against libellee, Estrella L. Turk, alleges:

That said libellant is a resident of Honolulu, Territory of Hawaii, and has been a resident of said Territory for more than two years next preceding the application for this libel, and that said libellant and libellee, last resided together as husband and wife at Honolulu aforesaid.

That said libellant and libellee were duly married to each other at Portland, Oregon, on or about the 14th day of October, 1896, by the Rev. Dr. Locke, and ever since have been and are now husband and wife.

That since said marriage libellee has treated libellant in an extremely cruel manner on sundry and numerous occasions and in particular, as follows, to-wit: That on the 1st day of June, 1903, said libellee did at said Honolulu, compel and exclude said libellant from their house and did refuse him admission thereto, and has ever since said time refused to speak or converse with said libellant or allow him access to libellee's domicile or abode.

That for a long time prior to said first day of June, 1903, said libellee had refused this libellant marital relations and treated him with utter disregard, indifference and scorn.

That since said first day of June,

1903, said libellee at said Honolulu has been the keeper or landlady of resorts and saloons, and said libellee entertained until the early hours of morning, amid champagne and other intoxicants and gay hilarity and indecorous conduct, sundry and numerous male companions, to wit, John Doe, Richard Roe and others.

That said libellee, since date above mentioned, has at said resorts in said Honolulu, conducted herself in an offensive, objectionable manner, all of which has been to the distress, mortification and detriment of this libellant.

That the deeds, actions and conduct of said libellee so as aforesaid, have caused this libellant such intense mental anguish and suffering, that his health became undermined and his nervous and physical system became so weakened and impaired thereby that his health and future physical welfare have been and are placed in great jeopardy thereby.

Wherefore libellant prays that the bonds and ties of matrimony existing between him and libellee be dissolved and severed and for such other relief as this court may deem equitable and meet.

(Signed) FRANK J. TURK, Libellant.

Henry Yeager, a member of the Legislature, is named as correspondent.

## Nothing in It.

Apocryphal of a sensational war story in the afternoon papers, Consul General Salto, being on Hawaii, could not have notified the Nippon Maru of the existence of war between Russia and Japan. The Secretary of the Consulate denies that he did so and says that he has received no alarming messages from his foreign office or from any other source.

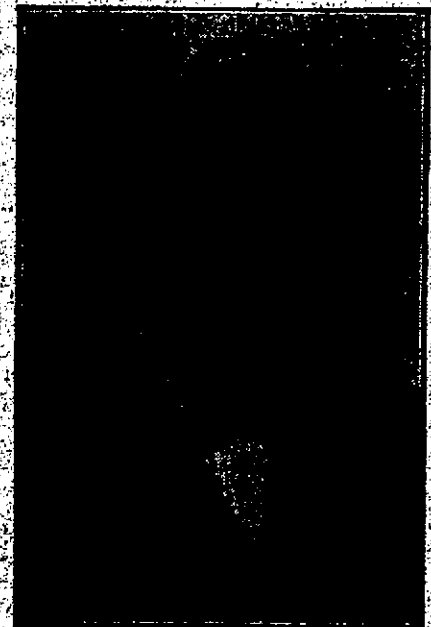
James' Guild Fair is postponed to November 24.

## Japanese Fair.

At the Japanese fair to be held at the corner of Hotel and Richards streets next week Thursday and Friday there will be booths of Japanese fancy and useful articles, Hawaiian curios, American articles of home manufacture, painted goods of great variety, etc., etc., and paper flowers. Also a Japanese house, lunches (American), lemonade, candy made on the grounds, etc. Proceeds for the Japanese Methodist school and church building fund. Remember the date, October 29th and 30th.

MORE CANDIDATES  
OF THE REPUBLICANS

NORMAN K. LYMAN.  
Nominated by both Republicans and Home Rulers for Clerk of East Hawaii County.



FRANK PAHIA.  
Republican candidate for Supervisor from the Fifth District of Oahu County.



R. N. BOYD.  
Republican candidate for Supervisor of Oahu County.



S. C. DWIGHT.  
Republican candidate for Supervisor from the Fifth District of Oahu County.

TOURIST TRAFFIC  
IS BOOMING

Thomas Cook & Son excursion party of twenty-five members, along with a Clark Company of Eastern tourists arrived on the Nippon Maru and registered at the Hawaiian hotel, evening before last. A reading of the hotel register shows tourists as coming from many different parts of the world, viz: Cairo, Paris, Italy, Germany, South Africa, England, New York, Indiana and Ohio. Two more excursion parties, due by the Siberia next week, some thirty or more, have written ahead for accommodations at the Hawaiian hotel—one being a Cook & Son Boston party and the other a Collier & Co. excursion party from New York.

THE OLD LIQUOR LAWS  
REMAIN IN FULL FORCE

Judge Gear in This Instance Discovers That  
Constitutional Law is Not Omnipotent  
to Overrule Common Sense.

Judge George D. Gear yesterday morning rendered his decision on the liquor laws of the Republic of Hawaii, finding that they are in full force and effect under the Territory excepting as they have been expressly repealed by the Legislature or the Organic Act. It was on a motion to quash the indictment of one "Bibbes" for selling liquor without a license. Much of the court's deliverance is taken up with quotations from the briefs of defendant's counsel in support of the motion. The extracts given below are connected by the reporter, will give a complete understanding of the decision.

## THE DEFENDANT'S CLAIM.

After stating the case and quoting at length from defendant's brief, the court says: "The defendant claims that by the express terms of section six of the Organic Act, only the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of the act shall continue in force, etc., and that as the Hawaiian laws relating to the liquor traffic have not been enacted by the Territorial Legislature, they are inconsistent with section six of that act prohibiting the sale of such liquor, except under such regulations and restrictions as the Territorial Legislature may provide."

"Defendant claims that this limits the regulations and restrictions to acts of the Territorial Legislature as distinguished from the Legislature of the Islands prior to annexation, and that it must be future legislation considered in reference to the time of the passage of the Organic Act."

"Counsel for defendant says in his brief: 'There is no legal power within the Territory of Hawaii at the present time to issue licenses for the sale of spirituous liquors as provided by section six of the Organic Act.'"

"Section six of the Organic Act provides: 'No spirituous liquors or intoxicating liquors shall be sold or distributed within the Territory except under such regulations and restrictions as the Territorial Legislature shall provide.'"

"This act was approved April 30, 1900, and became operative on June 15, of the same year."

"Accordingly, as plaintiff as attorney, defendant, makes a positive prohibition of the sale of spirituous or intoxicating liquors, unless such sale is regulated by the Territory."

## INTENT OF CONGRESS.

Judge Gear quotes the defendant's contention with reference to debates in Congress, that the intention of Congress was clearly to prohibit the liquor traffic in Hawaii until the Legislature of the Territory might permit it, under such regulations and restrictions, as might be provided. On this the court says: "A review of the congressional debates it seems to me that while the amendment to the Organic Act under dispute was originally inserted in the bill for the purpose of prohibiting the sale of liquor, at retail, it is also apparent that the amendment finally adopted was for the purpose of once for all settling the question as to whether Congress or the local Legislature should have control of the liquor legislation for this Territory."

"If the contention of defendant's counsel is correct this provision must be interpreted so as to allow the unlicensed and unregulated sale of liquor in this Territory until the Territorial Legislature shall act, thus giving to the amendment an effect diametrically opposite to that which even counsel for defendant contends was the intent of Congress, and instead of absolute prohibition we will have an unlimited and absolute, unregulated liquor traffic."

As stated in the language of another court: "It follows then, on relation's theory, that the constitutional convention, which sought to give the state absolute prohibition, in fact gave it untrammelled liquor traffic, and provided that such untrammelled traffic should continue indefinitely, unless some Legislature, to be elected in the future should voluntarily elect to check the flood of intoxicants that the constitution turned loose on the state. Such a conclusion is as serious as with all past legislation on the subject."

So at variance with the intent and expectation of the framers of our constitution, that this court ought not to reach it unless forced, thereby, by the clear rules of construction, or the obvious meaning of the language employed."

"North Dakota ex rel Ogilvie vs. Swan, 10 North Dakota, p. 11."

## NORTH DAKOTA CASE.

The court quotes from the language used in a North Dakota case and comments thereon: "In the case cited it appears that while Dakota was a territory certain liquor laws were enacted. Thereafter the State of North Dakota was organized, and a constitution adopted which provided that no one should within the state manufacture, import, or keep for sale any intoxicating liquors or offer the same for sale or gift, barter or trade as a beverage. The legislative assembly, shall by law prescribe regulations for the enforcement of the provisions of this article, and shall thereby provide suitable penalties for the violation thereof."

"Defendant contended that the liquor laws of the Territory 'in so far as it provides for the issuance of a license' was repugnant to the act of Congress and the state constitution, and as stated by the court 'the position of relation to the inevitable conclusion that there is today, in North Dakota, no law by which the open and notorious sale of intoxicating liquors for any purpose, and in any quantity, can be prohibited.'"

The court, however, held that as the

constitutional provision prescribed no penalties for its violation, it was "barren of the elements of a complete law, and, while prohibitory in form, is in fact simply a declaration of principles," and that the provision "is not self-executing, no common law, no statutory provision, existing for its enforcement, hence it remains dormant as a restriction upon the citizens, until given life by subsequent legislation, and has no force as a repealing measure, and that therefore the Territorial license law 'stands in its entirety,' and that therefore the defendant's impetuousness was not unlawful."

## AUTHORITIES ADOTED.

A case is cited from Massachusetts, where a constitutional provision was adopted prohibiting forever the manufacture and sale of intoxicating liquors, and directing the Legislature to enact laws with suitable penalties for carrying out such provision. "There it was held that the constitutional provision did not repeal previously existing laws by implication pending action of the Legislature in the matter. Judge Gear comments as follows:

"I agree with the reasoning of these authorities and believe the case at bar falls within the principles laid down in the cases cited. These cases go even farther than the case at bar, for under both the constitution of Maine and North Dakota it was intended to have absolute prohibition in the liquor traffic, and yet it was held that the former liquor laws were not repealed, and would not be until there had been legislative action. In this case it is clear that Congress did not intend to prohibit the liquor traffic, but on the contrary to allow it under the 'regulations and restrictions' of the legislature. In this connection it seems to me appropriate to quote from the United States Supreme Court as to what is commonly called 'the right of citizens' to engage in the liquor traffic, and their statement as to the constitutionality of the liquor laws and the right of the legislature to regulate the traffic. A defendant had been found guilty of selling liquor without license, and claimed that this arrest was illegal as the ordinance under which he was convicted was unconstitutional. The court in a unanimous opinion said per Field, J.:

## QUESTION OF RIGHTS.

"It is undoubtedly true that it is the right of every citizen of the United States to pursue any lawful trade or business, under such regulations as are imposed upon all persons of the same age, sex and condition. But the possession and enjoyment of all rights are subject to such reasonable conditions as may be deemed by the governing authority of the country essential to the safety, health, peace, good order and morals of the community."

"For the pursuit of any lawful trade or business, the law imposes similar conditions. Regulations respecting them are almost infinite, varying with the nature of the business. Some occupations by the noise made in their pursuit, some by the odors they engender and some by the dangers accompanying them, require regulations as to the locality in which they shall be conducted. Some by the dangerous character of the articles used, manufactured or sold require, also, special qualifications in the parties permitted to use, manufacture or sell them. All this is but common knowledge, and would hardly be mentioned were it not for the position often taken, and vehemently pressed, that there is something wrong in principle and objectionable in similar restrictions when applied to the business of selling by retail, in small quantities, spirituous or intoxicating liquors. It is urged that, as the liquors are used as a beverage, and the injury following them, if taken to excess, is voluntarily inflicted and is confined to the party offending, their sale should be without restrictions, the contention being that what a man shall drink, equally with what he shall eat, is not properly a matter for legislation."

## DRINK EVIL FAR-REACHING.

"There is in this position an assumption of a fact which does not exist, that when the liquors are taken in excess the injuries are confined to the party offending. The injury, it is true, first falls upon him in his health, which the habit undermines; in his morals, which it weakens; and in the self-abasement which it creates; but as it leads to neglect of business and waste of property and general demoralization, it affects those who are immediately connected with and dependent upon him. By the general consumption of opium of every civilized and Christian community, there are few sources of crime and misery so fertile as the opium shop, where intoxicating liquors, in small quantities, to be drunk at the time are sold indiscriminately to all parties applying."

## CONCLUSION OF COURT.

It is the opinion of the Court that the statutes of the Republic of Hawaii relating to the liquor traffic are in full force and effect excepting as they have been expressly repealed by the Legislature or the Organic act, and that the section under which this defendant was indicted is in full force and effect, and that the defendant's motion to quash the indictment should be and it is hereby denied.

GEO. D. GEAR,  
Second Judge of the First Circuit.  
Oct. 22, 1903.

SAFE CASE—  
TOUGH ONE

Jury Divided Ten  
Late Last  
Night.

Judge Geo. D. Gear yesterday morning rendered his decision on the case of the trial of Wo Sing & Co. vs. Kwong Chong Wai Co., assumed for \$148.33. Thayer & Hemmery appeared for plaintiff, and Castle & Whittington and W. L. Whittier for defendant. The following jury were trying the case, which is still on: E. E. Newman, Jno. Kuana, Jas. A. Auld, G. C. Foster, P. M. L. (M. J. W. Patterson, B. Guerrero, C. M. Dwight, O. J. Hall, I. Adams, G. E. Karrant and E. C. Holstein.

## HEAVY SENTENCE.

Matsumoto: In the judgment and sentence of the court Matsumoto was sentenced to hard labor for the term of twenty-five years.

This was the sentence pronounced by Judge Gear yesterday morning upon Matsumoto, whom a jury had found guilty of robbery in the first degree. When the usual question was asked of the defendant if he had anything to say why sentence should not be passed, at that time his counsel, J. W. O'Connell, addressing the court asked for leniency for the defendant and, when sentence was passed, noted an exception thereto.

In O'Connell's testimony the Judge remarked of the recent prevalence of highway robbery and said that such sentences would not have the deterring effect which was an object of punishment. It was not important in the case, that the knowledge of money taken from the victim was small.

Matsumoto, as was testified by High Sheriff Brown, had been employed temporarily as a police officer. He retained the badge and the pistol belonging to the police department, which articles he used to impersonate a policeman in holding up a Chinaman near Waikiki turn. He is 24 years of age.

Assistant Attorney General, W. M. Fleming prosecuted the case.

## MACHADO ACQUITTED.

The jury trying Joachim Machado under indictment for assault with a deadly weapon, in stabbing A. V. Peters with a knife in defendant's house at Kaimuki, retired after being leniently instructed upon requests of counsel on both sides and the court's own motion at 1 p. m. yesterday. Not having agreed on a verdict at 2 o'clock the jury were sent downtown to lunch.

Henry Hogan delivered the closing address to the jury for the defendant. He said nothing on what he characterized as the unwarranted entry of Peters into his brother-in-law's home to lecture the master of the castle on his habits and urged a case of self-defense from the evidence.

A. S. M. Robertson replied for the prosecution. Admitting the well-known and ancient "deadly" weapon, he contended that it did not justify that relatives, friends or acquaintances might not lawfully visit or pry into a home. If a visitor was not welcome he could be requested to leave and if he refused might be ejected, just so much force as was necessary but no more. There was no justification for the use of a weapon in such a case unless to defend person or property from violence. The evidence that defendant was held in a corner and throttled by Peters before the former seized a knife and stabbed the latter was ridiculous, and represented from the plan of the house and articles of furniture to be unbelievable. Counsel maintained that only a miracle saved Peters from being pierced through the heart, as the knife had been stopped by striking a rib.

At 4:15 the jury came into court with a verdict of "not guilty" and the defendant was discharged.

## COMPLICATED CASE.

F. Santos was placed on trial yesterday afternoon for embezzlement of a steel safe from a Chinaman, W. S. Fleming, Assistant Attorney General, prosecuted and J. K. Kaimuki defended the accused. After but a single challenge by the prosecution, the following jury was found satisfactory and sworn: Jesse P. Mahanah, M. H. Woodhouse, J. F. C. Ahe, C. W. Hayden, David F. Thurman, Chas. Spencer, A. K. Viorst, Jas. D. Collett, Jos. K. Clark, W. M. Bush, Jas. B. Faleke and Wm. H. Bush.

The jury retired at 4:15. At 5:15 they sent in word that it was impossible for them to agree. Judge Gear ordered them taken out for dinner, while the court took recess until 6 o'clock.

In the meantime Mr. Kaimuki informed the court of the defendant's previous sentence—the present case elsewhere reported.

At 7:40 the jury came in for instructions, which Judge Clark stated the doubt of evidence as between both sides of the safe. He gave the impression that he was the only one hanging out, which was later dispelled. Judge Gear repeated his instruction that if they believed the transfer of the article was a purchase, even if no money was paid, they could not find the defendant guilty.

The jury came in again at 8:30 and said they could not agree. Clark said they had taken seven ballots and stood, with but one variation, seven to five all the time. He hurried out, before the Judge could check him, that the seven were for acquittal. Juror Hoops interjected the statement that Mr. Hayden and not the volunteer spokesman was their foreman. Judge Gear, with renewed instructions, sent the jury out to try again. Up to 9 o'clock they made no sign.











## THE OLD RELIABLE



THERE IS NO SUBSTITUTE

## IROQUOIS MAY GO TO MIDWAY

The Iroquois may yet make a trip to Midway within a short time in order to take Professor Morse of the Geodetic Survey. Yesterday Captain Rodman received a cablegram from the Navy Department asking when the Iroquois could be made ready for the trip. The news followed the information that the Charlie P. Patterson would not call here for Mr. Morse. In consequence the Navy Department was again called upon to provide transportation. The Iroquois will go on the marine railway today, but it will not be known until Monday whether she is to make the trip or not. If she does it will probably only be to land Professor Morse, and the Iroquois will not have to lay off the island in dangerous waters for a month as had been contemplated.

## COAST SURVEY STEAMER COMING

About the second week in November the U. S. Coast & Geodetic Survey steamer, Carline P. Patterson will arrive here to transport Mr. Fremont Morse to Midway Island to determine that island's longitude. Mr. Morse may remain at Midway all winter, waiting there until Mr. Smith at Guam comes to Honolulu to complete the work here.

## Appeals Phelps Case.

An appeal was taken yesterday in United States court from the decision of Judge Bates in the Schirmacher libel suit against the E. R. Phelps. The sailor was awarded \$1800 as damages for a broken leg, and Captain Graham will carry the case to the court of Appeals at San Francisco.

## TALK ON MYTHOLOGY

## Polynesian Race Said to Have Origin in Java.

The Polynesian race originated in Java according to Rev. W. D. Westervelt who lectured last evening before the Problem Club on "Polynesian Mythology." He drew his deductions from a study of the Polynesian myths and language, showing a similarity between those of Hawaii, Samoa, Gilbert Islands, Fiji, New Zealand and other groups of the South Pacific.

Beyond the Gilbert and Caroline Islands, Mr. Westervelt said, there was no knowledge of myths or legends, the books were silent as to the islands of the Western Pacific.

The similarity was traced in both words and myths, between the people of the various groups of Fiji, Tonga, Hawaii, New Zealand, etc., and the people of all these islands, Mr. Westervelt said, came from a common stock. Java was the origin of the Polynesian race according to Fornander and Clark, and Mr. Westervelt said he was inclined to the same opinion. He traced the similarity in a number of words and myths, such as "maori" in New Zealand, meaning the same as "maoli" in Hawaii. "Aloha" in Hawaii is "aloha" in Samoa. In the myths Mr. Westervelt found a similarity, in that of Maui lifting the sky and snaring the sun, a legend common to all the Pacific groups.

The similarity between the various islands was shown also in the history of Polynesia, in nature knowledge, religion, and in the customs, habits and home life all through these groups. In all of these there was a similarity which, Mr. Westervelt thought, left no doubt as to the common origin of the Polynesian race.

## Paymaster Hall in Boston.

Paymaster Hall, who formerly was stationed at the naval station here prior to Paymaster Rhodes, has been ordered to duty at the Boston navy yard. He is to be assistant to the general storekeeper.

## The Atlantic Sails.

The German bark Atlantic sailed yesterday morning about 9:30 o'clock for Talati, Chile. She will load nitrates.

## ODD CASE OF SANTOS

Serving Time and Being Tried for Identical Offense.

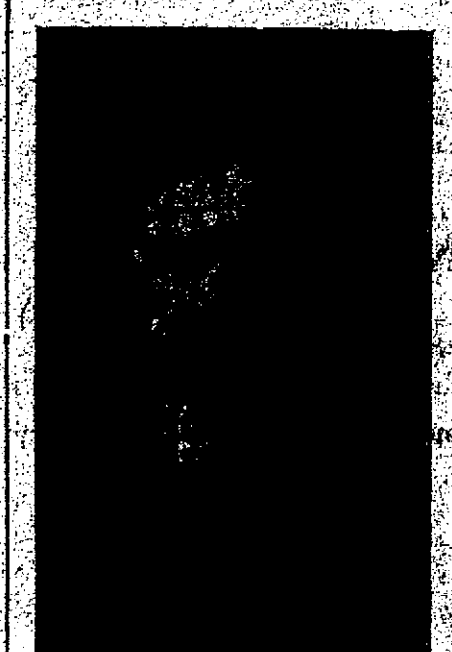
Before the jury in the Santos embezzlement case were sent out disagreeing to dinner yesterday evening Mr. Kaulikou, attorney for the defendant, made a statement which revealed a most peculiar situation. His client had just called attention to a fact which he had forgotten, which was that Santos had already served a month of a three months' term for the very same offense as that for which he was now being tried.

Judge Gear investigated the matter during recess and found that his late clerk, Mr. Loucks, had made the entry on Sept. 9th that Santos "pleaded not guilty" and was fined \$50, which was erroneous on its face. The stenographer's notes, as well as the Advertiser's court report, showed that Santos had appealed for mitigation of a sentence for embezzlement, finding him \$100 in the District Court, and that when Judge Gear reduced the penalty to \$50 and defendant said he had no money, the court gave him the alternative sentence of 100 days at hard labor.

As under its previous ruling, the court had no jurisdiction when it tried the penalty just stated, the case was not taken out of the hands of the trial jury.

There is still another indictment for embezzlement hanging over the head of Santos.

## A CANDIDATE FOR KAUAI SUFFRAGES



(Case & Perkins, Photo.)  
John D. Willard, Republican Candidate for District Attorney for the County of Kauai.

## ALGAROBIA FROM A PARED BEAN

Rev. S. E. Bishop, D. D., imparts this piece of useful information to the Star: Editor Star: Permit me to partly contradict, or at least to modify the following statement in your issue of the 21st inst.

"Cattle or at least some animal seems to be a practically necessary medium for the distribution of the algarobia tree. The seeds taken from the pod and planted seldom germinate and grow. They have to pass through the intestines of animals before they will germinate. No doubt an incubating period of gentle warmth is what is really required and this what the animal medium of distribution furnishes." It is true that algarobia seeds planted direct from the pod rarely grow, but I was taught more than forty years ago how to make them grow. With a sharp knife pare off the outer edge of the pod to such a depth as to expose to view each of the black seeds enclosed, and they will grow as readily as any beans.

This is because each seed is firmly enclosed in a tough, impervious little parchment envelope which excludes moisture, and which perhaps chokes the germination of the seed. That envelope must be cut before the seed can grow.

No doubt either the mastication of the pods or the action of the digestive fluids of animals serve to set free the imprisoned seeds. An "incubating period of gentle warmth" is not required, as my own experience has proved.

S. E. BISHOP.

Honolulu, October 22, 1903.

## BIG RALLY AT EMMA SQUARE

One of the biggest political gatherings of the campaign was that last evening at Emma square. Seven or eight hundred people were gathered to hear the Republican orators, and they had the opportunity to listen to some of the finest speeches of the campaign.

## FULL NETS HAULED IN

Its Work Greatly Increased.

The warrants from the United States District Court, mentioned in yesterday's Advertiser as following the interview had with Adachi by District Attorney Breckons, were served by Marshal Hendry. They were the means of leading six Japanese in Oahu jail, their names being Okami, Yonehara, Yanagawa, Fukushima, Nagamori and Nakamura. The charge against them is serious, being under the following provision of the U. S. Revised Statutes: "If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose and one or more of such parties do any act to effect the object of the conspiracy all the parties to such conspiracy shall be liable to a penalty of not more than ten thousand dollars, or to imprisonment for not more than two years or to both fine and imprisonment in the discretion of the court."

Adachi himself, after having had the contempt of court sweated out of him by the keen questioning of the District Attorney the previous day, was answering questions in the grand jury room a great portion of yesterday. His conduct was such as to procure his release.

At a few minutes to 4 p. m., Mr. Breckons left the grand jury and went to his office. The same time the grand jury's ballot went to the Marshal's office for a supply of ballot paper. This looked like something doing, but Mr. Breckons said there would not likely be a report from the grand jury this morning. Judge Bates was sick in bed and would not be able to open court today in all probability.

With the conspiracy prosecutions following upon the heels of those for immoral importations and related thereto, great excitement prevails among the Japanese inhabitants. Some who are apparently not afraid and doubtless some who are afraid, besides those attending by compulsion, are daily thronging the corridors of the Judiciary building.

The six Japanese last arrested were produced before Commissioner E. A. Douthett at 4 p. m. yesterday. Their case was continued, without taking evidence, pending the action of the grand jury.

## SAM PARKER AT BAR FOR TRUANCY

Col. Samuel Parker was up before Judge Gear as a truant grand juror, and foreman at that, yesterday afternoon. The genial Hawaiian member of the Republican National Committee and favorite disciple of Mark Hanna had been excused from the grand jury temporarily, and later the whole panel was allowed a vacation of several days. Time was called yesterday, the grand jury being notified to resume its sessions at 1 p. m.

The hour passed and Col. Parker had not put in his appearance. A telephone message seemed to have been ignored and Officer Van Giesen was sent in quest of the absentee, whom he met on his way to court a few minutes before two o'clock. Col. Parker, with the officer standing some distance behind him, answered the court's inquiry by saying he thought the hour was two o'clock.

Judge Gear informed him that the hour had been changed since he had been in attendance. Referring to the excusing of the foreman under a physician's certificate, the court remarked that as he was able to appear at the Pacific Club he ought to be at for jury duty.

Col. Parker assured the court that he had been under medical treatment all the time.

"To be shut up all day in the grand jury room is a different thing from sitting around in the club," Col. Parker pleaded.

Judge Gear stated that the number of grand jurors was very limited, so that the attendance of Col. Parker was required. Next time the summons would not be by telephone, but served by an officer. In reply to a request for an order in the matter by Deputy Attorney General Peters, the court directed an entry to be made that Col. Parker resumed the office of foreman of the grand jury, the order appointing Fred J. Church as foreman in his absence being of no further effect.

At the court's suggestion of a bench warrant for a similar occasion in future, Col. Parker gazed lugubriously at the policeman and everybody laughed.

## THE DEAF WITNESS HAD ANOTHER PIPE

Mr. Matthews, the old man whom Isaac Noar represented in the Star block case pleadings as being chamber maid for twenty-five bedrooms, was a witness in the Santos case embezzlement case. Being deaf he used an ear trumpet with a rubber tube for the reception of questions. Judge Gear found occasion to ask him to speak a little louder, as the court itself was somewhat deaf. To the great amusement of court, jury and spectators the old man dived one hand into a pocket and exclaimed: "I've got another ear trumpet I'll lend you."

## BY AUTHORITY.

## MERRY ESTATE

IN THE DISTRICT COURT OF THE Fifth Circuit, Territory of Hawaii.

At Chambers in Probate.  
In the matter of the Estate of Frank T. Merry of Lihue, Kauai, deceased. Order of Notice of Hearing Petition for Allowance of Final Accounts, Distribution and Discharge.

On reading and filing the Petition and Accounts of Wm. Henry Rice, temporary administrator of the estate of Frank T. Merry, wherein he asks to be allowed \$185.08 and he charges himself with \$254.97, and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in his hands to the persons thereto entitled, and discharging him and his sureties from all further responsibility as such administrator.

It is ordered that Thursday, the 10th day of November, A. D. 1903, at ten o'clock a. m., before the Judge of said Court at Lihue, Island of Kauai, be and the same hereby is appointed as the time and place for hearing said petition and accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And that notice of this Order, in the English language, be published in the Hawaiian Gazette newspaper printed and published in Honolulu, for three successive weeks, the last publication to be not less than two weeks previous to the time therein appointed for said hearing.

Dated at Lihue, this 5th day of October, 1903.

By the Court: (Signed) JNO. A. PALMER, Clerk.

2525 Oct. 2-10-30-30.

## FORECLOSURES

## ISAAC TESTA.

## MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF SALE.

Notice is hereby given that by virtue of a power of sale contained in that certain mortgage dated March 31st, 1901, and of record in Liber 221 on pages 127 to 128, and made by Isaac Testa in his own right and also as Trustee to The First American Savings & Trust Co. of Hawaii, Ltd., the said The First American Savings & Trust Co. of Hawaii, Ltd., intends to foreclose said mortgage for breach of the conditions in said mortgage contained, to-wit: the non-payment of the principal and interest thereon when due.

Notice is also given that all and singular the lands, tenements and hereditaments in said mortgage described and hereafter described or so much thereof as may be necessary to satisfy the amount due under said mortgage, and all costs, charges and expenses attending such sale and foreclosure, will be sold at public auction by James F. Morgan at his saleroom on Kaahumanu street, Honolulu, aforesaid, on Saturday, the 28th day of November, 1903, at 12 o'clock noon of that day.

The property covered by said mortgage and to be sold is: First, All those certain lots or parcels of land situated at Kaiala, Island of Oahu, being lots Nos. 7 and 8 of the Ross Estate, Lots at Kaiala, being a portion of Lots F and G of the Lunallilo Division of Kaiala and the same as conveyed to Isaac Testa by deed of record in Liber 185, page 409. Area, 54,053 square feet.

Second, All those lots or parcels of land situated at Kapahulu, Waikiki, Oahu, aforesaid, and being lots Nos. 16 and 17 in Block 4 of Kapahulu lots, and conveyed to Isaac Testa by deed of record in Liber 185, page 408. Area, 10,000 square feet.

Third, All that parcel of land containing an area of 2 34-100 acres situated at Manoa, Oahu, being a portion of R. P. Grant 161 to W. E. Rice, Tr.; and conveyed to Isaac Testa by deed of J. S. Emerson, Commissioner, dated September 27, 1896, of record in Liber 155, p. 324.

Fourth, All that certain land situated at Kawaiaola, Honolulu, Oahu, aforesaid, containing an area of 78-100 of an acre, being a portion of Apana 1, of R. P. 2897, L. C. A. 1185, and conveyed to Isaac Testa, Trustee, by deed of record in Liber 141, page 9.

Terms: Cash in U. S. Gold Coin. Deeds at the expense of purchaser. Dated Honolulu, October 19th, 1903.

THE FIRST AMERICAN SAVINGS AND TRUST COMPANY OF HAWAII, LTD.

By Its President, Cecil Brown.

2532-Oct. 23, 30, Nov. 6, 13, 20.

## ESTATE S. K. KA-NE AND KEALO-HA KA-NE (W.)

## MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF SALE.

Notice is hereby given: That by virtue of a power of sale contained in that certain Mortgage dated the 2nd day of April, 1903, made by S. K. Ka-ne and Kealo-ha Ka-ne (W.), his wife, of Honolulu, Island of Oahu, Territory of Hawaii, to A. Lidgate, and of record in the office of the Registrar of Deeds in said Honolulu in Liber 224, page 115, et seq., the said A. Lidgate intends to foreclose said Mortgage for breach of the conditions in said Mortgage contained, to-wit: the non-payment of the principal sum thereof, and of interest, when due.

Notice is also hereby given that all and singular the lands, tenements and hereditaments in said Mortgage described, will be sold at public auction at the auction room of James F. Morgan, in Honolulu aforesaid, on Saturday, the 28th day of November, 1903, at 12 o'clock noon of said day.

The property covered by said Mortgage is all that certain piece or parcel of land situated on the Southwest side of School street in said Honolulu, bounded and described as follows: Beginning at the East angle of this lot on School street and running thence by Magnetic Meridian: South 46° 36' W., 115 feet; S. 61° 00' W., 65 feet;

S. 45° 00' W., 50 feet; N. 45° 00' W., 41 feet; N. 12° 00' W., 191 feet; N. 47° 30' E., 124.6 feet; S. 45° 45' E., 94 feet along School street to the initial point. Containing an area of 0.35 of an acre. Being the land conveyed to said S. K. Ka-ne by deed of Henry Waterhouse, dated March 15, 1893, recorded in said Registrar's Office in Liber 141, page 189, et seq.

This property is valuable residence property on School street, between Nuuanu street and Nuuanu river. Terms: Cash in United States Gold Coin. Deeds at the expense of the purchaser.

Dated Honolulu, October 20th, 1903.

A. LIDGATE, Mortgagee.

For further particulars inquire of W. O. Smith, Judd Building, Honolulu.

2533-Oct. 23, 30, Nov. 6, 13, 20.

M. G. SILVA AND WIFE.

## ASSIGNEE OF MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF SALE.

To all to whom it may concern:

Notice is hereby given that by virtue of a power of sale contained in that certain mortgage dated the 23rd day of July, A. D. 1901, made and executed by M. G. Silva (Trustee) and Carolina G. Silva, his wife, of Honolulu, Island of Oahu, Territory of Hawaii, aforesaid, and recorded in Liber 244 on pages 123, 224 and 225, which said mortgage was duly assigned to Romano Jose, by assignment dated the 5th day of September, A. D. 1903, and of record in Liber 253, pages 113 and 115.

Notice is hereby given that the assignee of said mortgage, the said Romano Jose, intends to foreclose said mortgage for breach of condition in said mortgage contained, to-wit: for non-payment when due of the principal and interest of a certain note of the mortgagee for the sum of (\$500.00) Five Hundred Dollars, secured by said mortgage.

Notice is also hereby given that all and singular the lands, tenements and hereditaments in said mortgage contained and described will be sold at public auction at the saleroom of James F. Morgan, on Kaahumanu street, Honolulu, aforesaid, on Saturday, the 7th day of November, 1903, at 12 o'clock noon of that day.

The property covered by said mortgage and intended to be sold as aforesaid is described as follows: Being Lot numbered twenty (20) in block four (4) as shown and designated on the Map of Lots at Kewalo, Honolulu, as platted for Charles S. Desky, and recorded in the Office of the Registrar of Conveyances on the 30th day of January, A. D. 1897, in Liber 14, page 223 to 227; and further described as being a portion of the land described in Royal Patent No. 5716 L. C. A. 1000.

Terms: cash United States gold coin. Deeds at expense of the purchaser. Further particulars can be had of Frank Andrade, Attorney for Romano Jose, assignee of said mortgage.

ROMANO JOSE, Assignee of Mortgage.

Dated, Honolulu, October 11, 1903.

2530 Oct. 15-22-30-Nov. 6.

M. G. SILVA, TRUSTEE.

## MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF FORECLOSURE SALE.

To all to whom it may concern:

In accordance with law and by virtue of a power of sale contained in that certain indenture of mortgage made by G. Silva, Trustee, as mortgagee, to Romano Jose, as Mortgagee, dated January 13, 1902, and recorded in the Office of the Registry of Conveyances at Honolulu, in Liber 244, on pages 167 and 168, notice is hereby given that said Mortgagee intends to foreclose said mortgage for breach of condition in said mortgage contained, to-wit: for non-payment when due of the principal and interest of a certain note of the mortgagee for the sum of Five Hundred Dollars (\$500) secured by said mortgage.

Notice is also hereby given that all and singular the lands, tenements and hereditaments in said mortgage contained and described will be sold at public auction at the saleroom of James F. Morgan on Kaahumanu street, Honolulu, aforesaid, on Saturday, the 7th day of November, 1903, at twelve o'clock noon of that day.

The property covered by said mortgage and intended to be sold as aforesaid is described as follows: Being Lot numbered twenty (20) in block four (4) as shown and designated on the Map of Lots at Kewalo, Honolulu, as platted for Charles S. Desky, and further described as being a portion of the land described in Royal Patent No. 5714, Land Commission Award 10066.

Terms: cash United States gold coin. Deeds at the expense of the purchaser.

For further particulars, inquire of Frank Andrade, Attorney for Mortgagee, Stangenwald building, Honolulu. Dated this 18th day of October, 1903.

ROMANO JOSE

Oct. 15-22-30-Nov. 6

## Japanese Fair.

At the Japanese fair to be held at the corner of Hotel and Richards streets next week Thursday and Friday there will be booths of Japanese fancy and useful articles, Hawaiian curios, American articles of home manufacture, "Rummage" goods of great variety, pictures painted while you wait and otherwise, and paper flowers. Also a Japanese tea house, lunches (American), ice cream, lemonade, candy made on the grounds etc. Proceeds for the Japanese Methodist school and church building fund. Remember the dates, October 29th and 30th.

Not wasting time: "What's the matter with old Fred?" asks one workman. "E's got a splinter in 'is hand." Says another. "Why don't 'e pull it out?" "Well, in his dinner hour! Not like 'e!"—Tid-Bits.